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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 TERRIS R. JONES SR.,

9 Plaintiff,

10 v.

11 LAS VEGAS VALLEY WATER DISTRICT;
12 PATRICIA MAXWELL; FRANK MILLIGAN,

13 Defendants.

CASE NO.: 2:14-cv-01152-GMN-NJK

**MOTION FOR EXCEPTION TO
REQUIREMENT THAT CARRIER BE IN
ATTENDANCE AT SETTLEMENT
CONFERENCE**

ENE Conference
Date: October 23, 2014
Time: 1:30 p.m.
Magistrate Judge Leen

15 Defendant LAS VEGAS VALLEY WATER DISTRICT hereby requests that a representative
16 of the Water District's insurance carrier be excused from personally appearing at the ENE
17 Conference.

18 I. Introduction

19 Defendant Las Vegas Valley Water District¹ hereby requests that this Court excuse its
20 insurance carrier from attending the ENE, which is scheduled for October 23, 2014. Per the Order
21 setting the ENE, "if any party is subject to coverage by an insurance carrier, then a representative of
22 the insurance carrier, with authority to settle this matter up to the full amount of the claim, must also
23 be present in court..." (Doc. #12). Defendant will be attending the conference through the Water
24 District's Director of Human Resources (Patricia Maxwell) and its counsel, both inside and outside.
25 Its insurance carrier representative, David Barrocas, is located in Chicago, and would like to appear
26 by phone, if necessary. Mr. Barrocas will vest counsel and the Human Resources Director with
27 authority to resolve the matter, within their discretion, so that Defendant will be in a position to
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¹ Service was never effected upon the individual defendants.

1 productively discuss resolution of the matter at the conference. Defendant is confident that its
2 insurance carrier representative's absence should not impact the ability to resolve the matter, should
3 resolution be appropriate.

4 II. Facts in Support of Requested Excuse

5 Plaintiff is a former security guard with LVVWD, who has instituted a series of actions
6 against the District and a number of its employees, all arising from events occurring since late 2008.
7 Through four federal actions, seven EEOC Claims, one mail fraud complaint, and one complaint
8 seeking criminal prosecution of co-workers, Plaintiff asserts numerous and repetitive claims which
9 distill down to allegations of discrimination and retaliation. Each of his cases, save the present case,
10 has been dismissed. Two of the dismissals have been affirmed by the Ninth Circuit and the third is
11 in the briefing stages. A Motion to Dismiss is pending in this matter.

12 This is the fourth ENE that has been scheduled between Mr. Jones and the Water District. At
13 each of the previous ENE sessions, the Water District has attended, but no settlement could be
14 reached. At each of the sessions, the Water District had authority to resolve the matter—it has never
15 attended a session in bad faith or without authority. While it has an insurance policy that may
16 provide coverage for the claims alleged, it has always requested and received an exemption from the
17 personal attendance requirement for the carrier. Through this application, the Water District again
18 seeks to exempt its insurance carrier representative, who is located in Chicago, from personally
19 attending the conference. Further, as in previous sessions, it will attend this session in good faith
20 with authority to resolve the matter.

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1 For the foregoing reasons, Defendant requests that Mr. Barrocas be exempted from the
2 personal attendance requirement.

3 DATED this 7th day of October, 2014

4 **WILSON, ELSER, MOSKOWITZ, EDELMAN**
5 **& DICKER LLP**

6 By: /s/Sheri M. Thome

7 Sheri M. Thome, Esq.

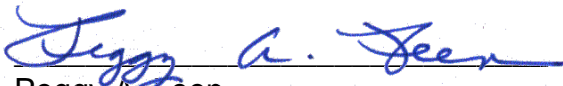
8 Nevada Bar No. 008657

9 300 South Fourth Street, 11th Floor

10 Las Vegas, Nevada 89101

11 *Attorney for Defendant Las Vegas Valley*
12 *Water District*

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14 IT IS SO ORDERED this 15th day
15 of October, 2014.

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17 Peggy A. Leen

18 United States Magistrate Judge
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP and that on this 7th day of October, 2014, a true and correct copy of the foregoing **MOTION FOR EXCEPTION TO REQUIREMENT THAT CARRIER BE IN ATTENDANCE AT SETTLEMENT CONFERENCE** as follows:

- ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☐ via hand-delivery to the addressees listed below;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:p.m.

Terris R. Jones, Sr.
715 S. Third Street, Apt. #7
Las Vegas, Nevada 89101
(702) 521-3523
Plaintiff in Proper Person

By: /s/Annemarie Gourley
An Employee of
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP